

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL RICARLOS MITCHELL, JR.,

Plaintiff,

-against-

PLANNED PARENTHOOD OF GREATER NEW  
YORK, INC., WENDY STARK individually, ANDREA  
HAGAN individually, GILLIAN DEAN individually,  
KEITH CORSO individually, and ANNE DAVIS  
individually,

Defendants.

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Case No.: 1:23-cv-01932

**NOTICE OF MOTION TO  
DISMISS THE SECOND  
AMENDED COMPLAINT**

**PLEASE TAKE NOTICE**, that upon the annexed Affirmation of John E. Mancebo, Esq., dated September 8, 2023, and the Exhibits annexed thereto, and the accompanying Memorandum of Law in Support, Defendants, Planned Parenthood of Greater New York, Inc., Wendy Stark, Andrea Hagan, Gillian Dean, Keith Corso, and Anne Davis, by their attorneys Kaufman Dolowich LLP, will move this court before the Honorable Jennifer L. Rochon, at the United States District Court, Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, on a date and time to be designated by the Court, for an Order: (i) dismissing all claims of discrimination, hostile work environment, and retaliation under 42 U.S.C. § 1981, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, the New York State Human Rights Law, and the New York City Human Rights Law set forth in Plaintiff's Second Amended Complaint pursuant to Rule 12 (b)(1) of the Federal Rules of Civil Procedure, on the grounds that the Plaintiff has failed to plausibly allege that he faced any disparate or discriminatory treatment as a result of his membership in a protected category, that any viable harassment or hostile work

environment claims amounted to more than petty slights and trivial inconveniences, and that he faced a materially adverse employment action due to his engagement in protected activity; and (ii) granting all such other and further relief as the Court deems just and proper.

Dated: White Plains, New York  
September 8, 2023

KAUFMAN DOLOWICH LLP  
*Attorneys for Defendants*

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TO: All Counsel of Record Via ECF